

REMARKS

Claims 50-64 remain pending in the instant application. Claims 50-64 presently stand rejected. Claims 58 and 60 have been amended to correct minor typographical errors. Reconsideration of the pending claims in view of the below remarks are respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 50-64 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 5,754,233 to Takashima. Without conceding USP 5,754,233 is an eligible reference, Applicants respectfully traverse the rejections.

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

Claim 55 recites, in pertinent part, a compressor including a “first data storage queue... coupled to provide the processor separate from uncompressed image data stored in the first data storage queue, a respective current byte count of the uncompressed image data stored in the first data storage queue...to allow the processor to facilitate an adjusting of a target frame rate.” Applicants respectfully submit that Takashima fails to teach or disclose at least the above limitation.

The Examiner has cited the frame memory 102 and timing control circuit 105 illustrated in Figure 5 of Takashima as corresponding to Applicants’ respective claimed first data storage queue and processor of claim 55. Office Action, page 3, lines 2 – 4. The Examiner has further alleged that counter 104 “counts the current byte count” of Video In of Figure 5 and that the providing of this count to timing control circuit 105, thus reads on the “provid[ing] the processor ...a respective current byte count of the uncompressed image data” of claim 55. Office Action, lines 6-9. Applicants respectfully disagree. Counter 104 does not count a “current byte count” of Video In data and thus does not provide a “current

byte count” to timing control circuit 105 in order to “facilitate an adjusting of a target frame rate.” Instead, counter 104 detects “horizontal synchronization signals and vertical synchronization signals in the input video signal and counts the clocks in a macro-block, the number of macroblocks in the picture and the number of pictures in the GOP in a timed relation to these synchronization signals.” Takashima, col. 6, ln. 62 – col. 7, ln 4. Applicants respectfully submit that “counting clocks in a macroblock” and/or the “number of pictures” in a group of pictures does not equate to counting a “current byte count of the uncompressed image data.”

Consequently, Takashima fails to disclose each and every element of claim 55, as required under M.P.E.P. § 2131. Independent claims 50 and 62 include similar novel elements as independent claim 55. Thus, for at least the reasons that claim 55 are patentable, as well as for their own individual novel features, claims 50 and 62 are likewise patentable over Takashima.

As for dependent claims 51 – 54, 56 – 61, 63, and 64 these claims depend from independent claims 50, 55, or 61 incorporating their recitations. Thus, for at least the reason that claims 50, 55, or 61 are patentable over Takashima as described above, claims 51 – 54, 56 – 61, 63, and 64, are likewise patentable over Takashima.

Accordingly, Applicants request that the instant §102 rejections of claims 50 – 64 be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 407-1561 if the Examiner believes that an interview might be useful for any reason.

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of

time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a).

If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
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